

EXHIBIT “J”



California Pacific Medical Center

A Sutter Health Affiliate

September 13, 2004

Rosario Kumagai
P.O. Box 2258
Saipan, MP 96950

Department of Transplantation
Kidney and Pancreas Transplant Program
2340 Clay Street, 2nd Floor
San Francisco, California 94115
415.600.1000 FAX 415.600.1075

Dear Ma'am:

As you get closer to being on the top of the list for a kidney transplant we suggest that you contact your nephrologist for a re-evaluation appointment, the following tests need to be updated or completed in order to assess your current health status and candidacy for a kidney transplant:

1. EKG (2004) *sent*
2. Chest x-ray (2004) *5/29/04 sent*
3. Pap Smear *6/7/04 sent*
- *4. Colonoscopy
5. Mammogram *sent*
- *6. Persantine Thallium test
- *7. Echocardiogram *sent to echo*
8. Blood work for HIV, HCVA, HBVAg, HBVAb, RPR *sent*

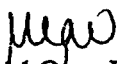
Please follow up with your primary physician regarding completing the above tests. When you have completed the test, please have the tests forwarded to me along with a referral/recommendation letter from your nephrologist or primary physician to:

Kidney Transplant Program
California Pacific Medical Center
Attn: Ronald Ong, RN, BSN
2340 Clay Street, 4th Floor
San Francisco, CA 94115
FAX: 415-600-1085 TEL: 415-600-1407

Once these tests have been completed, we will review the results. Once all of the data has been received and you have been medically and financially cleared for a kidney transplant, we will ask you to move to San Francisco to wait for and undergo the surgery. If you have any questions or if there is anything you feel may assist us in your care while preparing for transplant, please do not hesitate to call me at 415-600-1407.

EXHIBIT "J"

Sincerely,


Ronald Ong, RN, BSN
Kidney Transplant Coordinator

Cc: Dr. Hilmer Nigrete
CHC Dialysis, Saipan

EXHIBIT “K”



**Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY**

May 6, 2005

LC 05-0568

Mr. Fermin M. Atalig
Secretary
Department of Finance
Capitol Hill, Saipan
VIA HAND DELIVERY

Dear Secretary Atalig:

Enclosed please find the original copy of Requisition No. FY 05-11 for your review and processing.

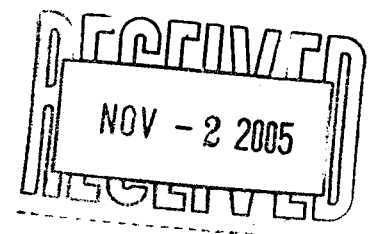
Please call us if you have any questions.

Sincerely,

EDWARD M. DELEON GUERRERO
Commissioner

Enclosure

cc: Governor
Attorney General
MPLA Board of Directors
MPLA Comptroller



P.O. Box 500380, Saipan, MP 96950 • Ground Floor, V.S. Sablan Plaza, Chalan Piao
Website: www.mpla.gov.mp • E-mail: mpla@vzpacific.net
Tel.: (670) 234-3751/3752/3757 • Fax: (670) 234-2756



**Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY**

REQUISITION NO. FY05-11

May 5, 2005

Ms. Amoretta Carlson
Bank of Guam, Trust Department
P.O. Box BW
Hagatna, Guam 96932

As Trustee under that certain Indenture, dated as of December 1, 2003, by and between the Trustee and the Commonwealth Development Authority (the "Indenture"), providing for the issuance of the Commonwealth of the Northern Mariana Islands General Obligation Bonds, Series 2003A (the "Bonds"), you are hereby requested and instructed to take actions described below with respect to the MPLA Account in the Project Fund established pursuant to the Indenture. Unless otherwise specified herein or unless the context otherwise requires, all capitalized terms used in this shall have the meanings specified in Section 1.01 of the Indenture.

Disbursement from MPLA Account. Pursuant to Section 3.02 of the Indenture, the Trustee is hereby requested to pay the itemized costs of the Project listed on, "Schedule A", attached hereto with moneys in the MPLA Account. Each such payment is for a Project consisting of the acquisition of real property through funding the retirement of land compensation claims against the Commonwealth with respect to which a claim has been approved by the MPLA Board, is based upon procedures established by the MPLA Board, and is a proper and lawful charge against said Account.

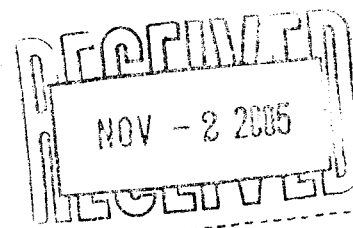
IN WITNESS WHEREOF, I have hereunto set my hand at my office on the date set forth above.

MARIANAS PUBLIC LANDS AUTHORITY

By: Edward D. Guerrero
Commissioner

Concurred by : Fermin Atalig
Secretary of Finance

P.O. Box 500380, Saipan, MP 96950 • Ground Floor, V.S. Sablan Plaza, Chalan Piao
Tel.: (670) 234-3751/3752/3757 • Fax: (670) 234-3755



Marianas Public Lands Authority
 Schedule of Requisition Request No. FY05-11 (Schedule A)
 April 4, 2005

ITEM NO.	PAYEE	Amount	PURPOSE
1	Rosario DLG. Kumagai	\$ 159,408.19	PL13-17
	Less: CNMI Treasury	\$ (79,704.09)	
	(Ref: Rosario DLG. Kumagai, Civil Action No. 05-0149C)		
	Net to Land Claimant, Rosario DLG. Kumagai	\$ 79,704.10	
	Total Request	\$ 159,408.19	

Note: BOG Trustee should cut two checks and payable to Rosario DLG. Kumagai for \$79,704.10 and
 CNMI Treasury for \$79,704.09 with the following reference: Rosario DLG. Kumagai with Civil Action No. 05-0149C.

EXHIBIT “L”



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Callez Box 10007, Capital Hill
Saipan, MP 96950

Chief of Police
Tel: (778) 464-2501/2
Fax: (778) 464-2500

Chief of Police
Tel: (778) 464-2501/2
Fax: (778) 234-7611

Investigative Unit
Tel: (778) 464-2501/2
Fax: (778) 464-2519

Division of
Investigation

Police
Tel: (778) 234-7611/2
Fax: (778) 464-2519

State
Tel: (778) 234-7611
Fax: (778) 234-7611

Police
Tel: (778) 234-7611
Fax: (778) 234-7611

Domestic Violence
Investigative Group
Tel: (778) 464-2501/2
Fax: (778) 234-7611

May 9, 2005

Mr. Fermin Atalig
Secretary of Finance
CNMI Department of Finance
PO Box 5234
Saipan, MP 96950

RE: Land Compensation Drawdowns

Dear Mr. Atalig:

The Office of the Attorney General understands that you currently have before you Land Compensation Drawdowns FY 05-10, and 05-11, and that you may receive others in the immediate future for your approval.

This Office is currently reviewing several drawdowns that have been sent to your office for approval. Additionally, we are contemplating taking action against MPLA with respect to such drawdowns. As such, I ask that you do not process any land compensation payments until further notice. Please do not hesitate to contact me should you have any questions.

Sincerely,

Clyde Lemons, Jr.
Clyde Lemons, Jr.
Acting Attorney General

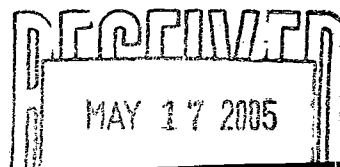


EXHIBIT "L"

EXHIBIT “M”



**Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY**

RECEIVED
JUL 25 2005

July 21, 2005

LG 05-0992

Mr. Fermin Atalig
Secretary of Finance
Caller Box 10007
Capitol Hill
Saipan, MP 96950

To: Brian Serr Nicholas

Fax: 235-7192

Date: 7/25/05

VIA HAND DELIVERY

Re: Agreement on Land Compensation Drawdown and Disbursement Procedures

Dear Secretary Atalig:

Pursuant to the Agreement on Land Compensation Drawdown and Disbursement Procedures entered into on January 20, 2004, between MPLA, the Department of Finance, and the Office of the Attorney General, the Department of Finance shall review and concur with drawdown and disbursement requests within three (3) days of receipt. Without explanation in any form whatsoever, the Department of Finance has routinely withheld concurrence of land compensation drawdown and disbursement requests. As a result, property owners who have executed and recorded settlement agreements and warranty deeds with MPLA in good faith are being unreasonably deprived of their just compensation. Every day MPLA receives inquiries from these patient property owners, and we are unable to provide satisfactory answers as to why they are not being paid.

The following drawdown requisitions have been processed by MPLA and delivered to the Department of Finance on the dates indicated below. None of these requisitions have been returned to MPLA as being rejected with explanation, or otherwise.

- 1) FY 05-10 (Victoria Nicholas) on April 29, 2005;
- 2) FY 05-11 (Rosario Kumagai) on May 6, 2005;
- 3) FY 05-19 (Jose Castro, Estate of Gregorio Castro, Maria Salas) on July 5, 2005;
- 4) FY 05-20 (Pedro Sablan, Carmen Pangelinan, Elmer Sablan, Francisca Pangelinan, Evelyn Powell, Jose Sablan, Dolores Bermudes, Andresina Sablan) on July 14, 2005.

Re: 101 and
7/21/05

Not only does the Department of Finance owe these property owners a reasonable explanation for the delays in releasing these requisitions, it owes MPLA a reasonable

P.O. Box 500380, Saipan, MP 96950 • Ground Floor, V.S. Sablan Plaza, Charlan Piao
Tel.: (670) 234-3751/3752/3757 • Fax: (670) 234-3755

EXHIBIT "M"

JUL-25-2005 08:21 FROM: PUBLIC LAI

SAIPAN 2343755

TO: 6

2356522

P.1

explanation as to why it continually fails to meet its obligations under the Agreement on Land Compensation Drawdown and Disbursement Procedures it initiated in the first place. We await your response.

Thank you for your attention to this matter.

Sincerely,



EDWARD M. DELEON GUERRERO
Commissioner

cc: Governor
Senate President
House Speaker
Attorney General
Board Members
Comptroller
Legal Counsel

EXHIBIT “N”



**Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY**

August 8, 2005

AD 05-1078

Ms. Maria Lourdes Seman Ada
Executive Director
Commonwealth Development Authority
P.O. Box 501249
Saipan, MP 96950
VIA PERSONAL DELIVERY

RECEIVED
08.08.05
[Signature]

Dear Ms. Ada:

The Marianas Public Lands Authority is hereby transmitting Requisition No. FY05-10 and FY05-11, which has been concurred by the Secretary of Finance. Please instruct the Trustee to initiate the disbursement of funds to the land claimants listed on Schedule A, which is attached to the requisition form.

Thank you for your timely response. Should you have any questions, please do not hesitate to contact our office.

Sincerely,


VINCENT T. CASTRO
Acting Commissioner

Enclosure: *as stated above*

Cc: Secretary, Department of Finance
Chairperson, MPLA
Commissioner, MPLA
Comptroller, MPLA
Legal Counsel, MPLA

RECEIVED

TIME: 2pm

AUG 08 2005

C. D. A.

P.O. Box 500380, Saipan, MP 96950 • Ground Floor, Y.S. Sablan Plaza, Chalan Piao
Website: www.mpla.gov.mp • E-mail: mpla@vzpacific.net
Fax: (670) 234-3755

EXHIBIT "N"



**Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY**

REQUISITION NO. FY05-11

May 5, 2005

Ms. Amoretta Carlson
Bank of Guam, Trust Department
P.O. Box BW
Hagatna, Guam 96932

As Trustee under that certain Indenture, dated as of December 1, 2003, by and between the Trustee and the Commonwealth Development Authority (the "Indenture"), providing for the issuance of the Commonwealth of the Northern Mariana Islands General Obligation Bonds, Series 2003A (the "Bonds"), you are hereby requested and instructed to take actions described below with respect to the MPLA Account in the Project Fund established pursuant to the Indenture. Unless otherwise specified herein or unless the context otherwise requires, all capitalized terms used in this shall have the meanings specified in Section 1.01 of the Indenture.

Disbursement from MPLA Account. Pursuant to Section 3.02 of the Indenture, the Trustee is hereby requested to pay the itemized costs of the Project listed on, "Schedule A", attached hereto with moneys in the MPLA Account. Each such payment is for a Project consisting of the acquisition of real property through funding the retirement of land compensation claims against the Commonwealth with respect to which a claim has been approved by the MPLA Board, is based upon procedures established by the MPLA Board, and is a proper and lawful charge against said Account.

IN WITNESS WHEREOF, I have hereunto set my hand at my office on the date set forth above.

MARIANAS PUBLIC LANDS AUTHORITY

By: Edward D.L. Guerrero
Commissioner

Concurred by: Fermin Atalig
Secretary of Finance

Marianas Public Lands Authority
 Schedule of Requisition Request No. FY05-11 (Schedule A)
 April 4, 2005

ITEM NO.	PAYEE	Amount	PURPOSE
1	Rosario DLG. Kumagai	\$ 159,408.19	PL13-17
	Less: CNMI Treasury	\$ (79,704.09)	
	(Ref: Rosario DLG. Kumagai, Civil Action No. 05-0149C)		
	Net to Land Claimant, Rosario DLG. Kumagai	\$ 79,704.10	
	Total Request	\$ 159,408.19	

Note: BOG Trustee should cut two checks and payable to Rosario DLG. Kumagai for \$79,704.10 and
 CNMI Treasury for \$79,704.09 with the following reference: Rosario DLG. Kumagai with Civil Action No. 05-0149C.

Marianas Public Lands Authority

P.O. Box 500380
Saipan, MP, 96950
Tel Nos.: 234-3751/52/57/59 Fax No.: 234-3755
E-mail address: opl@vzpacifica.net

MEMORANDUM

Date: April 19, 2005 LGM 05-065
To: Comptroller ✓
From: Legal Counsel R
cc: Commissioner, Land Claims Manager
Subject: Rosario DLG. Kumagai – Lot EA 157-2-1

The land compensation for the subject lot should be disbursed according to the Settlement Agreement between the Department of Public Health, AGO and Rosario DLG. Kumagai. (attached). This Agreement was entered into to resolve a pre-judgment writ of attachment in Civil Action No. 05-0149C. This Civil Action has now been dismissed. According to the agreement, disbursement should be made as follows:

Total compensation for Lot EA 157-2-1 \$159,408.19

DISBURSEMENT (Checks made payable to)

CNMI Treasury (Ref. Rosario DLG Kumagai)	\$ 79,704.09
Rosario DLG Kumagai	<u>79,704.10</u>
Total Disbursement:	\$159,408.19

Thank you.

CONFIDENTIAL AND PRIVILEGED ATTORNEY-CLIENT COMMUNICATION

This document and the information it contains are intended for the person(s) named above. If you have received this document in error, please call 670.234.3751, and then return the document in its entirety to the address above.

EXHIBIT “O”



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. BOX 502149, SAIPAN MP 96950
Tel.: (670) 234-6245/6293/7145/7146 • Fax: (670) 234-7144 or 235-7147
Email: administration@cda.gov.mp • Website: www.cda.gov.mp



August 8, 2005

Ms. Amoretta Carlson
AVP & Trust Officer
Bank of Guam Trust Department
PO Box BW
Hagatna, Guam 96932

VIA FACSIMILE NO. (671) 472-5527

RE: CNMI GO Bonds, Series 2003A – MPLA Projects Fund

Dear Ms. Carlson:

Please process the enclosed MPLA Requisition No. FY05-11 and initiate the disbursement(s) of funds to the land claimant(s) listed on the attached Schedule A and charge against the MPLA Projects Fund Account No. 76-1000-09.

Upon completion of the check(s), you may send it/them directly to the MPLA office in Chalan Piao, Saipan, for distribution to the land claimant(s).

Please confirm this transaction via e-mail at acctg@cda.gov.mp as soon as possible.

Sincerely,

MARIA LOURDES SEMAN ADA
Executive Director

TOM GLENN QUITUGUA
Chairman, CDA Board of Directors

Requisition No. FY05-11

*Ben Seagras
AB
OK
Paw
Instructions to
Stop
Payments
5/24/08*

*Amoretta
Said we
couldn't have the
right time "No Process."
m*

EXHIBIT "O"



Commonwealth of the Northern Mariana Islands
MARIANAS PUBLIC LANDS AUTHORITY

REQUISITION NO. FY05-11

May 5, 2005

Ms. Amoretta Carlson
Bank of Guam, Trust Department
P.O. Box BW
Hagatna, Guam 96932

As Trustee under that certain Indenture, dated as of December 1, 2003, by and between the Trustee and the Commonwealth Development Authority (the "Indenture"), providing for the issuance of the Commonwealth of the Northern Mariana Islands General Obligation Bonds, Series 2003A (the "Bonds"), you are hereby requested and instructed to take actions described below with respect to the MPLA Account in the Project Fund established pursuant to the Indenture. Unless otherwise specified herein or unless the context otherwise requires, all capitalized terms used in this shall have the meanings specified in Section 1.01 of the Indenture.

Disbursement from MPLA Account. Pursuant to Section 3.02 of the Indenture, the Trustee is hereby requested to pay the itemized costs of the Project listed on, "Schedule A", attached hereto with moneys in the MPLA Account. Each such payment is for a Project consisting of the acquisition of real property through funding the retirement of land compensation claims against the Commonwealth with respect to which a claim has been approved by the MPLA Board, is based upon procedures established by the MPLA Board, and is a proper and lawful charge against said Account.

IN WITNESS WHEREOF, I have hereunto set my hand at my office on the date set forth above.

MARIANAS PUBLIC LANDS AUTHORITY

By: Edward D.L. Guerrero
Commissioner

Concurred by: Fermin Atalig
Secretary of Finance

Schedule A (\$40M Bond - Land Compensation Fund Account No. 76-1000-09)			
Item No.	Payee	Amount	Purpose
FY05-11.1	Rosario DLG. Kumagai	\$79,704.10	P.L. 13-17 Land Compensation
FY05-11.2	CNMI Treasury (Ref. Rosario DLG. Kumagai, Civil Action No. 05-0149C)	79,704.09	P.L. 13-17 Land Compensation
8/19/05			
TOTAL (2)			\$159,408.19



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. Box 502149, Saipan, MP 96950

Tel: (670) 234-6293 • Fax: 235-7147 • email: acctg@cda.gov.mp • website: www.cda.gov.mp

FACSIMILE TRANSMITTAL

To:	Ms. Amoretta Carlson AVP & Trust Officer Bank of Guam Trust Dept.	Fax:	(671) 472-5527
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From:	Maria Lourdes S. Ada Executive Director	Date:	08/09/05
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Re:	MPLA Land Compensation Requisitions	Pages:	1 of 7
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CC:	Fax :
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MESSAGE:

Please process the attached drawdown requests for land owner's compensation per MPLA **Requisition Nos. FY05-10 & FY05-11** as soon as possible.

Thank you and regards.



Date/Time
Local ID
Local Name
Company Logo

8- 9-05;13:41
870 235 7147
CDA ADMIN
CDA ADMIN

This document was confirmed.
(reduced sample and details below)
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COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. Box 502149, Saipan, MP 96950
Tel: (670) 234-6293 • Fax: 235-7147 • email: acctg@cda.gov.mp • website: www.cda.gov.mp

FACSIMILE TRANSMITTAL

To:	Ms. Amoretta Carlson AVP & Trust Officer Bank of Guam Trust Dept.	Fax:	(671) 472-5527
From:	Maria Lourdes S. Ada Executive Director	Date:	08/09/05
Re:	MPLA Land Compensation Requisitions	Pages:	1 of 7
CC:		Fax:	

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MESSAGE:

Please process the attached drawdown requests for land owner's compensation per MPLA Requisition Nos. FY05-10 & FY05-11 as soon as possible.

Thank you and regards.

Total Pages Scanned : 7 Total Pages Confirmed : 7

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
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BC: Broadcast Send	MP: Multi-Poll	PG: Polling a Remote	PI: Power Interruption
CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

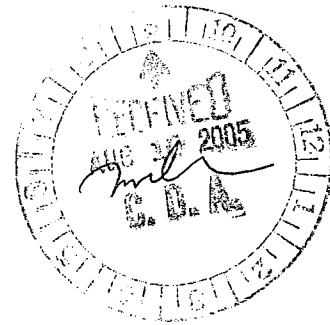
EXHIBIT “P”



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950

August 10, 2005



Civil Division
Tel: (670) 664-2341/42
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/67/68
Fax: (670) 234-7016

Investigative Unit
Tel: (670) 664-2310/12
Fax: (670) 664-2319

Division of
Immigration

Saipan
Tel: (670) 236-0922/23
Fax: (670) 664-3190

Rota
Tel: (670) 532-9436
Fax: (670) 532-3190

Tinian
Tel: (670) 433-3712
Fax: (670) 433-3730

Domestic Violence
Intervention Center
Tel: (670) 664-4583/4
Fax: (670) 234-4589

Mary Lou Ada -234-7144
Executive Director
Commonwealth Development Authority
Saipan, MP 96950

Dear Ms. Ada:

We respectfully request that the Commonwealth Development Authority not authorize requisitions FY 05-10 and FY 05-11 prior to the end of the day August 15, 2005.

We are investigating requisitions FY 05-10 and FY 05-11 because the valuations appear too high for properties that generally have little or no market value. Both involve 100% wetland properties. We are also investigating these requisitions because MPLA is not authorized to compensate with bond money wetland properties that are not taken for right-of-ways and it does not appear that these properties were taken for that reason. We will conclude our investigation of these matters by the end of the day on Friday, August 12th. By the end of the day on Monday, August 15, 2005, we will either bring court action to void the payments (and other similar payments that have already been paid) or recommend that the payments be authorized.

We ask that the Commonwealth Development Authority provide us this short period of time to complete our investigation and either bring court action or not before authorizing these potentially illegal payments. We appreciate your consideration.

Best regards,

Pam Brown
Attorney General

EXHIBIT "P"

EXHIBIT “Q”



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. Box 502149, Saipan, MP 96950

Tel: (670) 234-6293 • Fax: 235-7147 • email: acctg@cda.gov.mp • website: www.cda.gov.mp

URGENT

FACSIMILE TRANSMITTAL

To: Ms. Amoretta Carlson
AVP & Trust Officer
Bank of Guam Trust Dept. **Fax:** (671) 472-5527

From: Maria Lourdes S. Ada
Executive Director **Date:** 08/10/05

Re: MPLA Land Compensation Requisitions **Pages:** 1 of 2

CC: **Fax :**

CONFIDENTIALITY NOTICE: This facsimile contains confidential information intended for a specific individual and purpose and is protected by law. If you are not the intended recipient, you should destroy this facsimile and are hereby notified that any disclosure, copying, or distribution of the information contained herein, or the taking of any action based on it, is strictly prohibited.

MESSAGE:

Hello Amoretta,

Per your telecom with Marylou late yesterday, attached herewith is the letter from the Attorney General in reference to the **cancellation of MPLA Req. Nos. FY05-10 & 11.** Should you have any questions regarding this matter, please do not hesitate to call us at (670) 234-6245 or 6293.

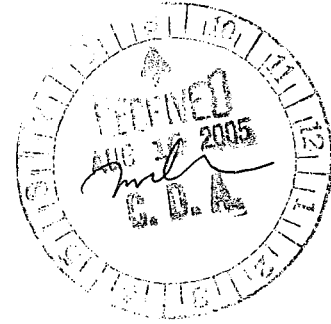
Thank you and regards.

EXHIBIT "Q"



Commonwealth of the Northern Mariana Islands
Office of the Attorney General

2nd Floor Hon. Juan A. Sablan Memorial Bldg.
Caller Box 10007, Capitol Hill
Saipan, MP 96950



August 10, 2005

Civil Division
Tel: (670) 664-2341/42
Fax: (670) 664-2349

Criminal Division
Tel: (670) 664-2366/67/68
Fax: (670) 234-7016

Investigative Unit
Tel: (670) 664-2310/12
Fax: (670) 664-2319

Division of
Immigration

Saipan
Tel: (670) 236-0922/23
Fax: (670) 664-3190

Rota
Tel: (670) 532-9436
Fax: (670) 532-3190

Tinian
Tel: (670) 433-3712
Fax: (670) 433-3730

Domestic Violence
Intervention Center
Tel: (670) 664-4583/4
Fax: (670) 234-4589

Mary Lou Ada -234-7144
Executive Director
Commonwealth Development Authority
Saipan, MP 96950

Dear Ms. Ada:

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Best regards,

Pam Brown
Attorney General

Date/Time
Local ID
Local Name
Company Logo

8-10-05; 9:34
670 235 7147
CDA ADMIN
CDA ADMIN

This document was confirmed.
(reduced sample and details below)
Document Size Letter-S



COMMONWEALTH DEVELOPMENT AUTHORITY

P.O. Box 502149, Saipan, MP 96950
Tel: (670) 234-6293 • Fax: 235-7147 • email: acdg@cda.gov.mp • website: www.cda.gov.mp

URGENT

FACSIMILE TRANSMITTAL

To:	Ms. Amoretta Carlson AVP & Trust Officer Bank of Guam Trust Dept.	Fax:	(671) 472-5527
From:	Marta Lourdes S. Ada Executive Director	Date:	08/10/05
Re:	MPLA Land Compensation Requisitions	Pages:	1 of 2
CC:		Fax:	

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MESSAGE:

Hello Amoretta,

Per your telecom with Marylou late yesterday, attached herewith is the letter from the Attorney General in reference to the **cancellation of MPLA Req. Nos. FY05-10 & 11**. Should you have any questions regarding this matter, please do not hesitate to call us at (670) 234-6245 or 6293.

Thank you and regards.

Total Pages Scanned : 2 Total Pages Confirmed : 2

No.	Doc	Remote Station	Start Time	Duration	Pages	Mode	Comments	Results
1	982	BOG - TRUST DEPT.	8-10-05; 9:32	1'23"	2 / 2	EC		CP 14.4

Notes :

EC: Error Correct	RE: Resend	PD: Polled by Remote	MB: Receive to Mailbox
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CP: Completed	RM: Receive to Memory	DR: Document Removed	TM: Terminated by user
HS: Host Scan	HP: Host Print	FO: Forced Output	WT: Waiting Transfer
HF: Host Fax	HR: Host Receive	FM: Forward Mailbox Doc.	WS: Waiting Send

EXHIBIT “R”

James Livingstone
 Assistant Attorney General
 Office of the Attorney General-Civil Division
 2nd Floor, Juan A. Sablan Memorial Bldg.
 Caller Box 10007
 Saipan, MP 96950
 Telephone: 664-2341
 Fax: 664-2349
 Attorneys for Plaintiff

CLERK OF COURT
 SUPERIOR COURT
 200 NOV 15 PM 3:53
 SAIPAN, MP

**IN THE SUPERIOR COURT OF THE
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COMMONWEALTH OF THE NORTHERN
 MARIANA ISLANDS, EX REL.
 PAMELA BROWN, ATTORNEY GENERAL,**

CIVIL ACTION NO. 05- 0332E

Plaintiff,

**COMPLAINT FOR
 DECLARATORY RELIEF**

v.

**MARIANAS PUBLIC LANDS AUTHORITY;
 VICTORIA S. NICOLAS; AND ROSARIO DLG
 KUMAGAI,**

Defendants.

On behalf of the Commonwealth of the Northern Mariana Islands (the
 "Commonwealth"), Pamela Brown, as the Attorney General of the Commonwealth, respectfully
 submits this Complaint for Declaratory Relief and Injunctive Relief.

INTRODUCTORY STATEMENT

1. This is an action for declaratory relief concerning the interpretation of CNMI Public
 Law 14-29 and its application to proposed Land Compensation Act disbursements of
 \$1,166,403.14 to Victoria S. Nicolas and \$159,496.43 to Rosario DLG Kumagai.

ENTERED
 DATE: _____

ORIGINAL

PARTIES

2. Plaintiff Commonwealth of the Northern Mariana Islands ("Commonwealth") is a political entity established by the N.M.I. Constitution pursuant to the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," 48 U.S.C. 1801, Pub.L.No. 94-241, § 1, Mar. 24, 1976, 90 Stat. 263.
3. Pamela Brown is the Attorney General, appointed pursuant to Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands, and is charged with representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law.
4. Defendant Marianas Public Lands Authority ("MPLA") is a public corporation and instrumentality of the Commonwealth, established and existing under Public Law 12-33, as amended by Public Law 12-71.
5. Defendant Victoria S. Nicolas (hereinafter "Nicolas"), upon information and belief, is a resident of Saipan and a United States citizen.
6. Defendant Rosario DLG Kumagai (hereinafter "Kumagai"), upon information and belief, is a resident of Saipan and a United States citizen.

JURISDICTION

7. The Court has jurisdiction over the subject matter of this action pursuant to N.M.I. Const. art. IV, § 2 and 1 CMC §§ 3102(b) and 3202, as well as Rules 57 and 65 of the Commonwealth Rules of Civil Procedure.

BACKGROUND

8. Defendant Nicolas owned Lot 158-A-R1 on Saipan. This property is and has been at all relevant times 100% wetland property.

1 9. On April 21, 2005, Governor Juan N. Babauta certified that the Commonwealth took
2 Lot 158-A-R1 in 1993 for the public purpose of protecting wetlands and endangered
3 species in the Commonwealth.

4 10. Defendant Kumagai owned Lot E.A. 157-2-1 on Saipan. This property is and has
5 been at all relevant times 100% wetland property.

6 11. On November 16, 1993, then-Governor Lorenzo I. Deleon Guerrero certified that the
7 Commonwealth took Lot E.A. 157-2-1 for the public purpose of protecting wetlands.

8 12. Neither property was certified as being taken for right-of-way purposes or related to
9 any right-of-way the Commonwealth needed to secure.

10 13. The Commonwealth has secured a bond to be used to resolve claims in the
11 Commonwealth regarding right-of-ways that the Commonwealth has not paid
12 compensation. The Land Compensation Act authorized the bond.

13 14. Under the law, MPLA is supposed to determine the compensation due to landowners,
14 who are then compensated for the taking.

15 15. Public Laws 13-17 and 14-29 set forth the properties that can be compensated using
16 Land Compensation Act funds.

17 16. P.L. 13-17 originally provided:

18 In implementing this Act, the Marianas Public Land Authority shall first compensate
19 the acquisition of private lands *for right of way purposes*, including but not limited to
20 public road construction. After those claims have been compensated, the Authority
21 shall then compensate those claims involving the acquisition of private land for the
22 purpose of constructing public ponding basins. Wetland and other claims shall be
23 entertained only after claims involving right of way and ponding basin acquisitions
24 have been compensated.

25 P.L. 13-17, § 4(d) (emphasis added).

17. On September 24, 2004, Public Law 14-29 amended Section 4(e) of Public Law 13-
17 to read:

1 In implementing this Act, the Marianas Public Land Authority shall compensate the
2 acquisition of private lands *for right of way purposes*, including but not limited to
3 public road construction, construction of ponding basins, wetland, and other claims
4 involving private land acquisition permitted by applicable laws.

5 P.L. 14-29, § 1(a) (emphasis added).

6 18. MPLA authorized payment using Land Compensation Funds of \$1,166,403.14 to
7 Victoria S. Nicolas on April 28, 2005 to compensate for the wetlands taking.

8 19. MPLA authorized payment using Land Compensation Funds of \$159,408.19 to
9 Rosario DLG Kumagai on May 5, 2005 to compensate for the wetlands taking.

10 20. Upon information and belief, there are over one hundred right-of-way claims that
11 have not yet been compensated.

12 21. Upon information and belief, MPLA has exhausted the Land Compensation Fund
13 and, if the payments are made to Kumagai and Nicolas, many right-of-way properties
14 will not be compensated at all.

15 **CLAIM FOR RELIEF**

16 22. Plaintiff incorporates by reference the allegations contained in all preceding
17 paragraphs as if set forth fully herein.

18 23. The properties of Nicolas and Kumagai are 100% wetland properties.

19 24. Neither property was taken for the purpose of a right-of-way. Nor are the properties
20 related in any way to needs for right-of-ways.

21 25. Land Compensation Act Funds cannot be used to compensate the landowners for
22 properties taken unrelated to right-of-ways.

23 26. To obligate or disburse Land Compensation Funds as compensation for these
24 acquisitions violates the Land Compensation Act and constitutes a breach of fiduciary
25 duty by the Marianas Public Lands Authority and its board members.

27. The authorizations that MPLA issued for these landowners are void.

WHEREFORE, Plaintiff respectfully requests the following relief:

A. For the Court to restrain and enjoin Defendants, their officers, directors, agents, servants, employees, and attorneys, and those persons acting in concert with them from drawing down from a publicly financed Land Compensation Fund, and disbursing \$1,166,403.14 to Victoria S. Nicolas and \$159,496.43 to Rosario DLG Kumagai.


B. For the Court to issue a declaration that wetland properties that are not used for right-of-way purposes cannot be compensated using Land Compensation Funds.

C. For the Court to grant Plaintiff an award of reasonable costs.

D. For the Court to handle this matter as expeditiously as possible.

E. For such other and further relief as the Court deems just and proper.

Dated this 15th day of August, 2005.


James D. Livingstone
Assistant Attorney General

ORIGINAL

James Livingstone
Assistant Attorney General
Office of the Attorney General-Civil Division
2nd Floor, Juan A. Sablan Memorial Bldg.
Caller Box 10007
Saipan, MP 96950
Telephone: 664-2341
Fax: 664-2349

Attorneys for Plaintiff

IN THE SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, EX REL.
PAMELA BROWN, ATTORNEY GENERAL,

Plaintiff,

v.

MARIANAS PUBLIC LANDS AUTHORITY;
VICTORIA S. NICOLAS; AND ROSARIO DLG
KUMAGAI,

Defendants.

CIVIL ACTION NO. 05- 0332 E

SUMMONS

To: ROSARIO DLG KUMAGAI

YOU ARE HEREBY SUMMONED and notified to file any answer you wish to
the Complaint, a copy of which is given to you herewith, within twenty (20) days after
service of this Summons upon you, and to deliver or mail a copy of your answer to James
Livingstone, Office of the Attorney General, Commonwealth of the Northern Mariana
Islands, Civil Division--Capitol Hill, Second Floor, Hon. Juan A. Sablan Memorial Bldg.,
Saipan, MP, 96950, as soon as practicable after filing your answer or sending it to the
Clerk of Court for filing.

Your answer should be in writing and filed with the Clerk of this Court at Susupe,
Saipan. It may be prepared and signed for you by your counsel and sent to the Clerk of

ENTERED

1 this Court by messenger or mail. It is not necessary for you to appear personally until
2 further notice. If you fail to file an answer in accordance with this Summons, judgment
3 by default may be taken against you for the relief demanded in the Complaint.
4

5 Dated this 15th day of August, 2005.

6
7 CLERK OF COURT
8
9



EXHIBIT “S”

RECEIVED
11/08/2005
11:00AM
SPLA

CDA-CNMI AGREEMENT

WHEREAS the Marianas Public Lands Authority ("MPLA") and Department of Finance Secretary Fermin Atalig have authorized Land Compensation Act requisitions FY 0-10 and FY 0-11; and

WHEREAS the Commonwealth Development Authority ("CDA") must approve the requisitions prior to their payment; and

WHEREAS the Attorney General's Office has raised questions regarding the propriety of paying requisitions FY 0-10 and FY 0-11; and

OS also

WHEREAS the Commonwealth of the Northern Mariana Islands ("CNMI") has brought the case captioned *Commonwealth of the Northern Mariana Islands, ex rel. Pamela Brown, Attorney General, v. Marianas Public Lands Authority, et al.*, Civil Action No. 05-332E (N.M.I. Super. Ct.) (the "Action"), to determine the propriety of requisitions FY 0-10 and FY 0-11; and

WHEREAS CDA does not want to involve itself in the approval of potentially unauthorized and/or illegal payments; and

WHEREAS CDA does not wish to be involved in the Action; and

WHEREAS the CNMI has not named CDA as a party to the Action because of this Agreement.

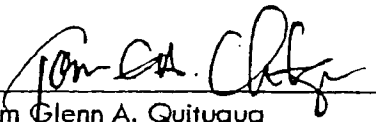
NOW, THEREFORE, in consideration of the covenants and agreements set forth herein and for other good and valuable consideration, it is agreed by and among the undersigned that;

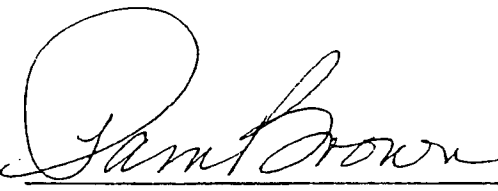
CDA will not approve requisitions FY 0-10 and FY 0-11 until the final resolution of the Action.

OS also

This agreement memorializes the prior understanding of the parties, which was reached on August 15, 2005.

August 19, 2005.


Tom Glenn A. Quitugua
CDA Board Chairman
On behalf of CDA


Pamela Brown
Attorney General
On behalf of the CNMI

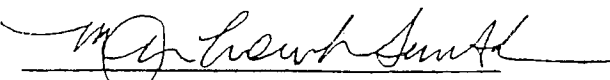

Maria Lourdes S. Ada
CDA Executive Director
On behalf of CDA

EXHIBIT “T”

James Livingstone
Deborah L. Covington
Assistant Attorney General
Office of the Attorney General-Civil Division
2nd Floor, Juan A. Sablan Memorial Bldg.
Caller Box 10007
Saipan, MP 96950
Telephone: 664-2341
Fax: 664-2349
Attorneys for Plaintiff

**IN THE SUPERIOR COURT OF THE
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS**

**COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, EX REL.
PAMELA BROWN, ATTORNEY GENERAL,**

Plaintiff,

v.

**MARIANAS PUBLIC LANDS AUTHORITY;
VICTORIA S. NICOLAS; AND ROSARIO
DLG KUMAGAI,**

Defendants.

CIVIL ACTION NO. 05-332E

**AMENDED COMPLAINT FOR
DECLARATORY RELIEF**

On behalf of the Commonwealth of the Northern Mariana Islands (the
"Commonwealth"), Pamela Brown, as the Attorney General of the Commonwealth, respectfully
submits this Complaint for Declaratory Relief and Injunctive Relief.

INTRODUCTORY STATEMENT

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\$1,166,403.14 to Victoria S. Nicolas and \$159,496.43 to Rosario DLG Kumagai.



PARTIES

2. Plaintiff Commonwealth of the Northern Mariana Islands ("Commonwealth") is a political entity established by the N.M.I. Constitution pursuant to the "Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America," 48 U.S.C. 1801, Pub.L.No. 94-241, § 1, Mar. 24, 1976, 90 Stat. 263.
3. Pamela Brown is the Attorney General, appointed pursuant to Article III, Section 11 of the Constitution of the Commonwealth of the Northern Mariana Islands, and is charged with representing the Commonwealth in all legal matters, and prosecuting violations of Commonwealth law.
4. Defendant Marianas Public Lands Authority ("MPLA") is a public corporation and instrumentality of the Commonwealth, established and existing under Public Law 12-33, as amended by Public Law 12-71.
5. Defendant Victoria S. Nicolas (hereinafter "Nicolas"), upon information and belief, is a resident of Saipan and a United States citizen.
6. Defendant Rosario DLG Kumagai (hereinafter "Kumagai"), upon information and belief, is a resident of Saipan and a United States citizen.

JURISDICTION

7. The Court has jurisdiction over the subject matter of this action pursuant to N.M.I. Const. art. IV, § 2 and 1 CMC §§ 3102(b) and 3202, as well as Rules 57 and 65 of the Commonwealth Rules of Civil Procedure.

BACKGROUND

8. Defendant Nicolas owned Lot 158-A-R1 on Saipan. This property is and has been at all relevant times 100% wetland property.

1 9. On April 21, 2005, Governor Juan N. Babauta certified that the Commonwealth took
2 Lot 158-A-R1 in 1993 for the public purpose of protecting wetlands and endangered
3 species in the Commonwealth.

4 10. Defendant Kumagai owned Lot E.A. 157-2-1 on Saipan. This property is and has
5 been at all relevant times 100% wetland property.

6 11. On November 16, 1993, then-Governor Lorenzo I. Deleon Guerrero certified that the
7 Commonwealth took Lot E.A. 157-2-1 for the public purpose of protecting wetlands.

8 12. Neither property was certified as being taken for right-of-way purposes or related to
9 any right-of-way the Commonwealth needed to secure.

10 13. The Commonwealth has secured a bond to be used to resolve claims in the
11 Commonwealth regarding right-of-ways that the Commonwealth has not paid
12 compensation. The Land Compensation Act authorized the bond.

13 14. Under the law, MPLA is supposed to determine the compensation due to landowners,
14 who are then compensated for the taking.

15 15. Public Laws 13-17 and 14-29 set forth the properties that can be compensated using
16 Land Compensation Act funds.

17 16. P.L. 13-17 originally provided:

18 In implementing this Act, the Marianas Public Land Authority shall first compensate
19 the acquisition of private lands *for right of way purposes*, including but not limited to
20 public road construction. After those claims have been compensated, the Authority
21 shall then compensate those claims involving the acquisition of private land for the
22 purpose of constructing public ponding basins. Wetland and other claims shall be
23 entertained only after claims involving right of way and ponding basin acquisitions
24 have been compensated.

25 P.L. 13-17, § 4(d) (emphasis added).

17. On September 24, 2004, Public Law 14-29 amended Section 4(e) of Public Law 13-
17 to read:

1 In implementing this Act, the Marianas Public Land Authority shall compensate the
2 acquisition of private lands *for right of way purposes*, including but not limited to
3 public road construction, construction of ponding basins, wetland, and other claims
involving private land acquisition permitted by applicable laws.

4 P.L. 14-29, § 1(a) (emphasis added).

5 18. MPLA authorized payment using Land Compensation Funds of \$1,166,403.14 to
6 Victoria S. Nicolas on April 28, 2005 to compensate for the wetlands taking.

7 19. This amount was based, in part, upon an appraisal issued by V.M. Sablan &
8 Associates, which concluded that the Nicholas wetland property had a value of \$88
9 per square meter as of November 16, 1993.

10 20. VM Sablan used two comparable lands both of which were either sold or leased in
11 1997, almost four years after the Nicholas land was taken.

12 21. MPLA authorized payment using Land Compensation Funds of \$159,408.19 to
13 Rosario DLG Kumagai on May 5, 2005 to compensate for the wetlands taking.

14 22. This amount was based, in part, upon an appraisal issued by V.M. Sablan &
15 Associates, which concluded that the Kumagai wetland property had a value of \$88
16 per square meter as of November 16, 1993.

17 23. VM Sablan used two comparable lands both of which were either sold or leased in
18 1997, almost four years after the Kumagai land was taken.

19 24. The Uniform Standards of Professional Appraisal Practices (USPAP) established
20 uniform standards for conducting appraisals.

21 25. These USPAP includes standards on conducting retrospective appraisals such as was
22 done in the Kumagai and Nicholas cases.

23 26. Statement on Appraisal Standards No 3 (SMT-3) provides in part:
24
25

1 A retrospective appraisal is complicated by the fact that the appraiser already knows
2 what occurred in the market after the effective date of the appraisal. Data subsequent
3 to the effective date may be considered in developing a retrospective value as a
4 confirmation of trends that would reasonably be considered by a buyer or seller as of
5 that date. The appraiser should determine a logical cut-off because at some point
6 distant from the effective date, the subsequent data will not reflect the relevant
7 market. This is a difficult determination to make. Studying the market conditions as
8 of the date of the appraisal assists the appraiser in judging where he or she should
9 make this cut-off. In the absence of evidence in the market that data subsequent to the
10 effective date were consistent with and confirmed market expectations as of the
11 effective date, the effective date should be used as the cut-off date for data considered
12 by the appraiser.

13 27. The Kumagai and Nicholas appraisals were not conducted in accordance with those
14 standards set forth in the USPAP, specifically SMT-3.

15 28. Upon information and belief, there are over one hundred right-of-way claims that
16 have not yet been compensated.

17 29. Upon information and belief, MPLA has exhausted the Land Compensation Fund
18 and, if the payments are made to Kumagai and Nicolas, many right-of-way properties
19 will not be compensated at all.

20 **FIRST CLAIM FOR RELIEF**

21 30. Plaintiff incorporates by reference the allegations contained in all preceding
22 paragraphs as if set forth fully herein.

23 31. The properties of Nicolas and Kumagai are 100% wetland properties.

24 32. Neither property was taken for the purpose of a right-of-way. Nor are the properties
25 related in any way to needs for right-of-ways.

33. Land Compensation Act Funds cannot be used to compensate the landowners for
properties taken unrelated to right-of-ways.

1 34. To obligate or disburse Land Compensation Funds as compensation for these
2 acquisitions violates the Land Compensation Act and constitutes a breach of fiduciary
3 duty by the Marianas Public Lands Authority and its board members.

4 35. The authorizations that MPLA issued for these landowners are void.

5 **SECOND CLAIM FOR RELIEF**

6 36. Plaintiff incorporates by reference the allegations contained in all preceding
7 paragraphs as if set forth fully herein.

8 37. Section 9 of Public Law 13-17, added by PL 13-25, §1 provides as follows:

9 Method for Valuation of Land. For purposes of this Act, land owners shall
10 receive just compensation based on the fair market value of the land at the
11 time of taking by the Commonwealth. MPLA may use as a guide the
12 procedures set forth in 2 CMC §§ 4712(a)(2) and (3) to determine fair
13 market value at the time of taking.

Note: Do such thing in the cap. to law. It was rejected by the cap.

14 38. Plaintiff seeks declaratory relief pursuant to Com. R.Civ. P. Rule 57, on the following
15 points:

16 a. That the MPLA Board did not comply with PL 13-17 §9 in that it did not
17 award compensation based on the value of the land at the time of the
18 taking, as required by PL 13-17 §9 as amended, and instead based the
19 compensation upon a questionable appraisal report that did not meet the
20 USPAP appraisal standards.

21 b. That the Marianas Public Lands Board has a fiduciary duty in
22 administering the Land Compensation Fund created by PL 13-17, as
23 amended.

24 c. That MPLA failed to exercise its fiduciary duty and instead relied upon
25 an appraisal report that did not meet the USPAP appraisal standards.

39. In requesting this declaratory relief, plaintiff is requesting an interpretation of the rights,
legal status and relationship of the parties under the above laws and facts.

1 40. Such an interpretation is appropriate under the provisions of Rule 57.

2 **WHEREFORE**, Plaintiff respectfully requests the following relief:

3 A. For the Court to restrain and enjoin Defendants, their officers, directors, agents,
4 servants, employees, and attorneys, and those persons acting in concert with them from drawing
5 down from a publicly financed Land Compensation Fund, and disbursing \$1,166,403.14 to
6 Victoria S. Nicolas and \$159,496.43 to Rosario DLG Kumagai.

7 B. For the Court to issue a declaration that wetland properties that are not used for right-
8 of-way purposes cannot be compensated using Land Compensation Funds.

9 C. For the Court to grant relief in the nature of mandamus or prohibition.

10 D. For the Court to grant Plaintiff an award of reasonable costs.

11 E. For the Court to handle this matter as expeditiously as possible.

12 F. For such other and further relief as the Court deems just and proper.

13 Dated this 30th day of August, 2005.

14 CNMI OFFICE OF THE ATTORNEY GENERAL

15 By: Deborah L. Covington
16 Deborah L. Covington
17 Assistant Attorney General
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19
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21
22
23
24
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